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BOARD OF EMERGENCY MEDICAL SERVICES OCTOBER 25, 2005

The Telemedicine Video Conference of the Board of Emergency Medical Services for the purpose of reviewing Uniform Licensing Law Rewrite was called to order by Bob Olson, Chairperson, at 10:07 a.m. Roll was taken and the following board members were present:

Ron Balthazor	Shawn Baumgartner
Michael Buscher	Bob Dunn
Dave Engler	Dan Hakel
Bob Olson	Clint Rasmussen
Earl Rudolph	Tom Surber
Mike Westcott	

Members absent: Bruce Beins, Joel Cerny, Rommie Hughes, Ben Lans, Val Snyder.

Credentialing Staff present were:

Diane Hansmeyer, Section Administrator
Dave Henske, Credentialing Specialist

AGENDA

Rudolph moved to approve the Board of Emergency Medical Services Telemedicine Video Conference Agenda for October 25, 2005. Buscher seconded.

Discussion: none.

Voting aye: Balthazor, Baumgartner, Buscher, Dunn, Engler, Hakel, Olson, Rasmussen, Rudolph, Surber, Westcott. Voting nay: none. Absent: Beins, Cerny, Hughes, Lans, Snyder. Motion carried.

UNIFORM LICENSING LAW REWRITE

Diane Hansmeyer stated that a copy of the ULL amendments (REQ0138), amendments to the EMS Practice Act and a summary of the ULL Rewrite Amendments were sent to each board member. (Attachments A, B and C) A copy of the Statutes Relating to Emergency Medical Services Act was also sent to each board member. (Attachment D) Hansmeyer stated that she listed on the first page of the ULL Rewrite Changes and EMS practice Act Amendments, (Attachment A), is the ULL changes, what the ULL changes, the current requirements and then the location in REQ0128 of those changes. The ULL Rewrite Changes and EMS practice Act Amendments, Attachment A, list on the second page the Practice Act Changes, the reason for the change, and the location in REQ0138.

Hansmeyer stated that she is going to review the major issues for the Board. The first major changes regarding initial licensure is that the Board will approve the requirements for licensure by setting those requirements in the rules and regulations, approve education by the approving training agencies, approve the examinations required for certification purposes, and will set the passing score of the examinations. The law currently states that the Department with the approval of the Board determines the requirement for licensure. The second change to initial licensure is that the word "certification" was changed to "licensure" through out the Practice Act. The changing of the word "certification" to "licensure" makes the language in the practice act correspond with the definitions in the ULL.

Hansmeyer stated that the "Uniform Licensing Law" is going to be renamed to "Uniform Credentialing Act". The reason for renaming the ULL is because there are several forms of credentialing with licensure only being one form. The term credentialing is a more comprehensive term

Hansmeyer reviewed some of the sections in REQ0138 that pertained to the Board's authority. Those sections were: Section 22 on page 14; Section 55, on page 61; Section 68, on page 77; and Section 45, page 46.

"Inactive Status" will be added as an alternative for EMS providers who do not want to practice but want to maintain the license. If a person chooses "inactive status" they can call themselves an EMT but they cannot practice. To reinstate the license, the individual will have to meet reinstatement requirements. The question was asked if there was a time limit on the "Inactive Status". Hansmeyer explained that there was not a time limit and that she will need to ask the Department's Legal Staff if there would be a need for a change in the language to keep the current renewal requirement of the refresher course. The renewal process also adds the waiver requirement for military and first credentialed. It will also allow the audit of continuing competency requirements.

Hansmeyer stated that "revocation" is a sanction that can be imposed for discipline. Currently a person who has their license revoked for discipline can reapply for their license within a two-year period. The changes to the statutes would impose revocation for all time. She further stated that there is another sanction for discipline, which is suspension where a person's license can be suspended for a period of time. Therefore, it was decided to have "revocation" for all time while "suspension" will be for a period of time.

Hansmeyer stated that "reciprocity" would be replaced with "endorsement". This means that a person from another state will have to meet the same requirements as a person who lives in Nebraska. It is a change in only the word not the process.

The ULL Rewrite will add another public member to the Board's Membership. If a Board has over eleven members there must be at least three public members.

The renewal period will be changed from three years to two years. It was asked since EMS is going to have a license instead of a certification is there going to be a requirement to pay a fee. Hansmeyer explained that these amendments do not require a fee.

A question was asked if the Board would have to amend the continuing education requirements for a renewal period of two years. Hansmeyer stated that the regulations would need to be changed in the CE hours to reflect the shortened renewal period. A question was asked if there could be an exception to the two-year renewal. Hansmeyer explained that at this time there are no exceptions, however, the Board can go on record opposing the two-year renewal and she will provide this concern to the Department.

Hansmeyer addressed the Practice Act changes. She stated that now all of the EMS Practice Act will be under the Uniform Licensing Law. Some of the definitions in 71-5175 were deleted so there was no redundant information as well as any possible conflicts between two definitions that are intended to mean the same. It was pointed out that in 71-5176 seventeen members should be changed to eighteen members. The Board of Health will appoint all Boards except the Board of Emergency Medical Services and the Water Well Contractors Board. In 71-5176 (6) Board conflict of interest is in Uniform Credentialing Act. (UCA) In 71-5176 (4), the Board will now receive a per diem per day for board business plus travel expenses. The maximum amount for the Board's per diem is fifty dollars. The Board can decide a lesser amount if they chose. In the UCA, it now allows the Board to send its members to a national meeting per year. 71-5178 was amended to delineate the Board's role versus the Department's in line with the new UCA. 71-5178 adds the last two sentences that changes biennial renewal to be consistent with all other professions and adds the age requirement of eighteen years per the Board's request. 71-5180 was repealed because it talks about statutes prior to this statute and is no longer needed. 71-5181 was repealed because it talks about issuing a license and this is already addressed in the UCA. 71-5181.01 was amended to correspond with the new numbering. 71-5182 was repealed because it talks about the denial of a license and this is already addressed in the UCA. 71-5189 was corrected to say that the Department with the approval of the Board will issue an individual a license that has a current National Registry. The correction allows individuals from another jurisdictions to apply for a license without having to prove that their state is equivalent to Nebraska because the Board set the National Registry as the minimum standard. 71-5192 was repealed because this is old language that deals with licenses prior to July 1, 1998 and no longer applies. 71-51,100 was repealed because it deals with violations and this is under the UCA.

Engler moved to remove the Class I misdemeanor in 71-5199 and be under the Class III misdemeanor that is in the UCA. This is consistent with the other professions. Buscher seconded.

Discussion: Hansmeyer stated that in 71-5199 the last sentence states "any person who violates any provision of this section shall be guilty of a Class I misdemeanor". She stated that this sentence was taken out. By taking out this sentence, it now means that an individual that does not hold a license who engaged in an act or practiced as an out of hospital emergency medical provider would be under the UCA as a Class III misdemeanor penalty. The Class I misdemeanor is more severe penalty. She further stated the Legal Department said that the Board should determine if they would be comfortable with the Class III misdemeanor that is in the UCA for all professions. Voting aye: Balthazor, Buscher, Dunn, Engler, Hakel, Olson, Rasmussen, Rudolph, Surber, Westcott. Voting nay: Baumgartner. Absent: Beins, Cerny, Hughes, Lans, Snyder. Motion carried.

Baumgartner moved to support the Uniform Licensing Law Rewrite except for the two year renewal and to request that Diane Hansmeyer contact the Legal Department

regarding the issue of an individual reinstating from an inactive or expired status meeting the current requirement of taking the Refresher Course. Rudolph seconded.

Discussion: The Board felt the out-of-hospital emergency care providers would not be in favor of having to renew their license every two years. The Board felt that they wanted an individual who has not been active practicing take a Refresher Course instead of just having to meet the continuing education requirements. Hansmeyer stated that she would contact the Legal Department on this issue.

Voting aye: Dunn, Engler, Hakel, Olson, Rasmussen, Rudolph, Surber, Westcott, Balthazor, Baumgartner, Buscher. Voting nay: none. Absent: Beins, Cerny, Hughes, Lans, Snyder. Motion carried.

Dr Surber stated that Senator Steve Flood is drafting a bill to authorize first responders to transport patients. A draft copy of this bill will be sent to all board members for further discussion at the next board meeting.

There being no further business, Bob Olson, Chairperson, adjourned the meeting at 11:47 a.m.

Shawn Baumgartner, Secretary